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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 CHRISTOPHER VANGEMERT,

Case No. 2:18-CV-657 JCM (NJK)

8 Plaintiff(s),

ORDER

9 v.

10 NANCY A. BERRYHILL,

11 Defendant(s).

12
13 Presently before the court is Magistrate Judge Nancy J. Koppe's report and
14 recommendation (ECF No. 24) in the matter of *Vangemert v. Berryhill*, case number 2:18-cv-
15 00657-JCM-NJK. No objections have been filed, and the deadline for doing so has passed.

16 Magistrate Judge Koppe notes that the administrative law judge ("ALJ") improperly
17 denied appellant Christopher Vangemert's application for disability benefits. (ECF No. 24). The
18 magistrate judge explains in her report and recommendation that experts opined that Vangemert
19 could carry out two-step instructions. *Id.* The ALJ rejected these opinions and adopted a
20 "simple, repetitive tasks" residual functional capacity limitation. *Id.* Because the ALJ did not
21 provide any explanation or refer to substantial evidence in support of this rejection, the
22 magistrate judge recommends remanding this case for further proceedings. *Id.*

23 This court "may accept, reject, or modify, in whole or in part, the findings or
24 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects
25 to a magistrate judge's report and recommendation, then the court is required to "make a de novo
26 determination of those portions of the [report and recommendation] to which objection is made."
27 28 U.S.C. § 636(b)(1).
28

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made).

Nevertheless, this court conducted a *de novo* review to determine whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and underlying briefs, this court finds good cause appears to adopt the magistrate judge's findings in full.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge Koppe's report and recommendation (ECF No. 24) be, and the same hereby is, ADOPTED in its entirety.

IT IS FURTHER ORDERED that Vangemert's motion to remand (ECF No. 15) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that the social security commissioner's motion to affirm the agency decision (ECF No. 22) be, and the same hereby is, DENIED.

IT IS FURTHER ORDERED that the matter of *Vangemert v. Berryhill*, case number 2:18-cv-00657-JCM-NJK be, and the same hereby is, REMANDED.

The clerk shall enter judgment accordingly and close the case.

DATED June 25, 2019.

James C. Mahan
UNITED STATES DISTRICT JUDGE